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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)
)
Communications Assistance for) CC Docket No. 97-213
Law Enforcement Act)

Reply Comments of MCI WorldCom Inc.

MCI WorldCom, Inc. ("MCI WorldCom") submits this filing in response to comments on the Further Notice of Proposed Rulemaking ("Further Notice"), in the above-captioned docket. The Further Notice sought comment on the industry interim standard, J-STD-025 ("J-Standard"), to be adopted to fulfill the assistance capability requirements of the Communications Assistance for Law Enforcement Act ("CALEA").

Development of the J-Standard sparked four Petitions for Rulemaking ("Petitions") to the Federal Communications Commission ("Commission"). The Cellular Telecommunications Industry Association ("CTIA") filed the first Petition, which was aimed at resolving disputes, when negotiations seemed deadlocked. The Center for Democracy and Technology ("CDT") filed the second Petition, which said the interim standard remained too broad after its adoption by the industry. The Department of Justice/Federal Bureau of Investigation ("DOJ/FBI") filed the third Petition, which stated the proposed standard was too narrow and offered a "punch list" of additional technical capabilities it deemed essential. Finally, the Telecommunications Industry Association ("TIA") filed the fourth Petition, which asked the Commission to resolve the dispute of whether the J-standard which it developed was over or under inclusive and to provide guidance to telecommunications equipment manufacturers.

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The DOJ/FBI seek amendment of the J-Standard to obtain access to the following:

1. Content of conversations of all parties on conference calls, even after the subscriber has dropped off or been put on hold;
2. Messages indicating whether a party is connected to a multiparty call at any given time (party hold, party join, party drop messages);
3. Access to subject-initiated dialing and signaling info (hold, transfer, flash);
4. Notification message for network generated in-band and out-of-band signaling (ringing, busy signals, call waiting signals);
5. Timing information to correlate call data and call content information;
6. Surveillance status message, to verify that the surveillance is on the correct service and is operational;
7. Feature status message, to report any changes in a subscriber's service features;
8. Continuity tone or signal, to ensure law enforcement is notified immediately if the delivery channels from the carrier have failed and
9. Post cut-through dialing and signaling information delivered on the call data channel.

Approximately 30 parties filed comments in this proceeding.

The record in this case is sharply split on the issue of expanding the J-Standard.

The DOJ/FBI, intent on carrying out what it believes its mandate necessitates, demands the additional capabilities of the punch list and dismisses the interim standard as an insufficient standalone tool, and was generally supported by other law enforcement groups. Privacy groups, however, oppose the interim standard and denounce the punch list. Carriers, the wireline, cellular and personal communications services service providers who must comply with the standard, also oppose the punch list.

In MCI WorldCom's view, CALEA represents a balancing act for public policy makers. Specifically, the statute requires that the implementing rules balance privacy interests, carrier costs, law enforcement objectives, and other public interest considerations. In reviewing the DOJ/FBI wish list of additional features and capabilities, MCI WorldCom agrees with PCIA that under Section 107(b) of CALEA, the Commission must assess four factors: assistance capability requirements met via cost-

effective implementation, protection of customer privacy, minimization of cost to residential ratepayers and encouragement of new technologies and services.¹

MCI WorldCom urges the Commission to undertake by whatever means necessary further proceedings to obtain this information. The record on cost information, for example, is woefully inadequate for a Commission decision. The Commission did indeed seek cost information in its Further Notice but as AT&T, USTA and others noted, cost information has not thus far been produced. AT&T noted that although it attempted to comply with the Commission's request for information regarding the costs of adding each punch list feature, and the impact such costs will have on subscribers, including the costs to a manufacturer and a carrier to install and operate the equipment, AT&T could not obtain such information from its vendors.² MCI WorldCom similarly has no cost information from our vendors.

USTA estimates \$2 billion to \$3 billion implementation costs by its members for the J-Standard, but also warned that costs could rise substantially when actual software costs, software release schedules and capacity requirements for switches, which remain to

¹ PCIA Comments, at i.

² AT&T Comments, at 28. AT&T did estimate that for hardware and software alone, AT&T Wireless Service (AWS) with its approximate 70 switches faces more than \$35 million for compliance with the J-Standard, minus the network operations costs of management and maintenance and the plant costs for inspection and testing. AT&T estimated that on a per switch basis, hard costs will reach almost \$500,000 and that other direct costs of CALEA are not insubstantial. In general, MCI WorldCom is in agreement with AT&T's comments.

be developed by the FBI, are known.³ This is significant because under CALEA, the government in the first instance should pay implementation costs.⁴

Apparently DOJ has obtained some cost estimates for the J-Standard and each punch list item. Attorney General Janet Reno in an Oct.6, 1998 letter to the Honorable Ted Stevens estimated it would cost \$2 billion to implement the core standard. However, the detail behind this estimate has not been shared with the industry for its analysis.

The DOJ/FBI comments noted that a number of “manufacturers have given the FBI proposed prices, as distinct from underlying manufacturing costs, for ‘CALEA solutions’ covering the J-Standard and the additional capabilities sought by law enforcement (emphasis in the original)”.⁵ But as DOJ/FBI explained, such proposals were subject to non-disclosure agreements which, although the agreements allowed disclosure under limited circumstances, none of those circumstances “appears to apply here.”⁶ Of course, none of this information appears to evaluate carrier cost – the cost of obtaining software from manufacturers and implementing it in networks. And implementing is far more than installing and maintaining software – it is also the cost of using network resources to enable law enforcement agencies to engage in surveillance.

³ PCIA Comments, at ii. See also SBC Comments at I (arguing that the items on the DOJ/FBI list are not “reasonably available as required by CALEA).

⁴ H.R. Rep. No. 103-827, 103d Cong., 2nd Sess., pt. 1 at 16.

⁵ DOJ/FBI Comments p. 16.

⁶ Id.

Further, MCI WorldCom disagrees with the DOJ/FBI's dismissal of the cost issue. MCI WorldCom considers the DOJ/FBI to be a valued customer. It would not be reasonable or appropriate to rush into such complex and protracted undertakings without all affected parties having a clear understanding of the cost ramifications of such efforts.

It behooves the industry, service providers and manufacturers, to determine factually and completely the cost of any feature including the J-Standard or other factors, and the necessary implementation time. Upon legal and privacy concerns being thoroughly addressed and the finding that additional features comply with the statute, the industry should make such capabilities and services available to the DOJ/FBI for its purchase under appropriate payment terms for any service deemed essential. In that way, cost recovery will be addressed satisfactorily from the industry and the public's perspectives for the buyer, DOJ/FBI, will know the cost and pay the price for what it has ordered.

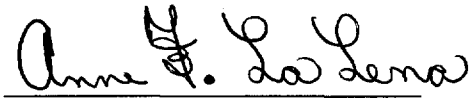
MCI WorldCom further believes the record to resolve substantive legal and privacy questions regarding the punch list capabilities sought by the DOJ/FBI is insufficient, and urges the Commission not to adopt the modifications sought by law enforcement parties.

Additionally, as questions remain regarding the J-Standard, and implementation of that core requirement, MCI WorldCom asks that any modifications to J-Standard be forwarded to TIA for development. MCI WorldCom further requests that the

Commission clarify the deadline for implementation of the J-Standard, any modifications to it, and any other services or features the Commission may order so that carriers may have adequate opportunity to comply.

Respectfully submitted,

MCI WorldCom, Inc.

A handwritten signature in cursive script, reading "Anne F. La Lena". The signature is written in black ink and is positioned above a horizontal line.

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Date: January 27, 1999

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I, Sylvia Chukwuocha, do hereby certify that on this 27th day of January, 1999, copies of the foregoing Reply Comments of MCIWorldCom, Inc. were served on each of the following persons:

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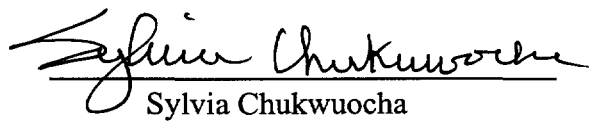
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